

April 5, 2016

VIA ECFS

NOTICE OF EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

**Re: *Technology Transitions*, GN Docket No. 13-5; GN Docket No. 12-353; WC
Docket No. 05-25; RM-11358; RM-10593**

Dear Ms. Dortch:

On April 1, 2016, Michael Galvin, General Counsel of Granite Telecommunications, LLC (“Granite”) and I met with Jonathan Sallet, General Counsel of the FCC, Bill Dever of the Office of General Counsel, and Dan Kahn of the Wireline Competition Bureau. During the meeting, we described Granite’s unsuccessful attempt to amend its Local Wholesale Complete agreement with AT&T to include IP voice services. We shared the written correspondence between the parties concerning this issue, which are attached hereto.

We also explained that it would be inappropriate and harmful to competition in the provision of voice and data services to multi-location business customers if the Commission were to allow the regulatory backstop for wholesale platform services adopted in the *Technology Transitions Order* to expire at the conclusion of the pending special access proceeding.¹ This is

¹ See *Technology Transitions*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, ¶ 132 (2015) (adopting an interim rule that incumbent LECs seeking Section 214 authority to discontinue a TDM-based commercial wholesale platform service that is currently used as a wholesale input by competitive carriers must provide competitive carriers with reasonably comparable access on reasonably comparable rates, terms, and conditions). The Commission stated that this regulatory backstop would sunset upon the completion of the special access proceeding. *Id.* ¶ 132. However, in the Further NPRM, the Commission acknowledged that a different sunset of the backstop as it applies to wholesale platform services may be appropriate. *Id.* ¶¶ 242, 244 (Recognizing “that the special access proceeding will not address the status of commercial wholesale platform services such as AT&T’s Local Service Complete and Verizon’s Wholesale Advantage that include incumbent LEC loops, transport and local switching” and seeking comment on whether it would be “appropriate for the Commission to require reasonably comparable wholesale access for commercial wholesale platform services for a further interim period beyond completion of the special access proceeding”).

because the incumbent LECs are the only providers of wholesale platform services at a large percentage of relevant locations,² and any remedy adopted in the special access proceeding is unlikely to address the abuse of incumbent LEC market power because wholesale inputs that competitors need to serve multi-location customers are different from the services that are the subject of the special access proceeding. Accordingly, we urged the Commission to tie the expiration of the regulatory backstop for wholesale platform services to the conclusion of an examination of the relevant market for such services.

Please do not hesitate to contact me if you have any questions or concerns regarding this submission.

Respectfully submitted,

/s/ Thomas Jones
Counsel for Granite Telecommunications, LLC

cc: Jonathan Sallet
Dan Kahn
Bill Dever
Michael B. Galvin

Enclosures

² See Ex Parte Letter from Granite Telecommunications, LLC to Marlene H. Dortch, FCC, *Technology Transitions*, GN Docket No. 13-5 *et al.*, at 5-11 (June 3, 2015) (showing that (i) at 85% of Granite's customer locations, cable is not available without construction; (ii) at over 78% of locations, the customer is either the only building tenant or shares space with just one other tenant; and (iii) at most locations Granite's customers simply do not employ enough people to justify the substantial spend that would be required to build a viable alternative to the incumbent carrier's facilities).